

***United States Court of Appeals  
for the  
District of Columbia Circuit***



**TRANSCRIPT OF  
RECORD**



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Court of Appeals, District of Columbia

APRIL TERM, 1900.

No. 973.

WILLIAM T. HAUPTMAN, GEORGEANNA HUTCHINS,  
AND CARVER HUTCHINS, HER HUSBAND; CHARLES  
D. COLLINS AND ANNA COLLINS, HIS WIFE, ET AL.  
APPELLANTS,

*vs.*

HELEN C. CARPENTER AND GEORGE W. CARPENTER,  
HER HUSBAND; MARY S. HEINECKE AND CHARLES  
T. HEINECKE, HER HUSBAND; HELEN K. BREMER-  
MAN, WIDOW, ET AL.

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

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FILED MARCH 1, 1900.

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WILLIAM T. HAUPTMAN, GEORGEANNA HUTCHINS,  
AND CARVER HUTCHINS, HER HUSBAND; CHARLES  
D. COLLINS AND ANNA COLLINS, HIS WIFE, ET AL.,  
APPELLANTS,

*vs.*

HELEN C. CARPENTER AND GEORGE W. CARPENTER,  
HER HUSBAND; MARY S. HEINECKE AND CHARLES  
T. HEINECKE, HER HUSBAND; HELEN K. BREMER-  
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In the Court of Appeals of the District of Columbia.

WM. T. HAUPTMAN ET AL., Appellants, }  
                                                           *vs.* } No. 973.  
 HELEN C. CARPENTER ET AL. }

*a* Supreme Court of the District of Columbia.

HELEN C. CARPENTER ET AL. }  
 vs. } No. 20776. In Equity.  
 WILLIAM T. HAUPTMAN ET AL. }

UNITED STATES OF AMERICA, { ss :  
*District of Columbia,* }

Be it remembered that in the supreme court of the District of Columbia, at the city of Washington, in said District, at the times hereinafter mentioned, the following papers were filed and proceedings had in the above-entitled cause, to wit:

1

*Bill of Complaint, &c.*

Filed Sep. 6, 1899.

In the Supreme Court of the District of Columbia, Holding a Special  
Term for Equity Business.

1, HELEN C. CARPENTER and, 2, GEORGE W. Carpenter, Her Husband; 3, Mary S. Heinecke and, 4, Charles T. Heinecke, Her Husband; 5, Helen K. Bremerman, Widow; 6, Edmund H. Brown and, 7, Allyne Brown, His Wife; 8, Mary E. Perry and, 9, George N. Perry, Her Husband; 10, William F. Brown and, 11, Mary Brown, His Wife; 12, Mary M. King and, 13, Burrows W. King, Her Husband; 14, Lloyd Douglass and, 15, Justina Douglass, His Wife; 16, Caroline Watson and, 17, Wharton Watson, Her Husband, Plaintiffs,

vs.

1, WILLIAM T. HAUPTMAN, Unmarried; 2, Georgeanna Hutchins and, 3, Carver Hutchins, Her Husband; 4, Charles D. Collins; 5, Anna Collins, His Wife; 6, Lewis E. Collins, Unmarried; 7, Martha E. Collins, Unmarried; 8, Margaret A. Worster and, 9, Willis Worster, Her Husband; 10, Charles S. Douglass, Unmarried; 11, John D. Hauptman, Unmarried; 12, Clinton C. Hauptman, Unmarried; 13, Mary B. Tracy and, 14, Seth Tracy, Her Husband; 15, Clara B. Hurley and, 16, Frank Hurley, Her Husband; 17, William C. Hauptman and, 18, Lola B. Hauptman, His Wife; 19, Harry Hauptman, Unmarried; 20, Maria Louisa Donaldson and, 21, John Thomas Donaldson, Her Husband; 22, Harriet E. Ege and, 23, Porter F. Ege, Her Husband; 24, Annie Beek and, 25, Mark Beek, Her Husband; 26, Helen C. Raub and, 27, Charles H. Raub, Her Husband, Defendants.

In Equity. No. 20776.

To the supreme court of the District of Columbia, holding an equity court:

The plaintiffs state as follows:

1. That all the plaintiffs are citizens of the United States and all are residents of the District of Columbia except the plaintiffs

Helen C. Carpenter and George W. Carpenter, who are residents of the State of California, although said Helen C. Carpenter is temporarily sojourning in said District, and except the plaintiff Helen K. Bremerman, who is a resident of the State of Pennsylvania, and except the plaintiffs Caroline Watson and Wharton Watson, who are residents of the State of Maryland.

The plaintiffs Helen C. Carpenter, Mary S. Heinecke, Helen K. Bremerman, Edmund H. Brown, Mary E. Perry, William F. Brown, Mary M. King, Lloyd Douglass, and Caroline Watson sue in their own right as some of the heirs, devisees, and legatees of Daniel Hauptman, deceased, as hereinafter more fully set forth, the said Helen C. Carpenter being a child and the other named legatees or devisees being grandchildren of said Daniel Hauptman, and as such heirs, devisees, and legatees being entitled to the certain undivided parts as hereinafter appears of the certain parcel of land hereinafter mentioned and described, and the other plaintiffs join herein in respect to any marital rights they may have in said land upon the facts hereinafter stated : all the plaintiffs are over the age of twenty-one years.

2. That all the defendants are citizens of the United States and all are residents of the District of Columbia, except the defendants William T. Hauptman, Georgeanna Hutchins, and Carver Hutchins, who are residents of the State of Pennsylvania ; Charles S. Douglass, who is a resident of Baltimore, in the State of Maryland, and Mary B. Tracy, Seth Tracy, Clara B. Hurley, and Frank Hurley, who are residents of Houston, in the State of Texas, and all the defendants are over the age of twenty-one years.

The defendants William T. Hauptman, Georgeanna Hutchins, Charles D. Collins, Lewis E. Collins, Martha E. Collins, Margaret A. Worster, Charles S. Douglass, John D. Hauptman, Clinton C. Hauptman, Mary B. Tracy, Clara B. Hurley, Harry Hauptman, Maria Louisa Donaldson, Harriet E. Ege, Annie Beek, and Helen C. Raub are sued in their own right and are grandchildren of said Daniel Hauptman, and the defendants William C. Hauptman, also a grandchild of said Daniel Hauptman, and Lola B. Hauptman, his wife, and alienee of his interest, as hereinafter stated, in said land, are sued each in his and her own right and in right of any interest they may respectively have on account of their marital relations, and the other named defendants are sued in respect to any right they may have on account of their marital relations upon the facts hereinafter stated, and by reason of being wife or husband, as the case may be, as stated in the caption of this bill.

3. That the aforesaid Daniel Hauptman, being at the time seised in fee-simple of all that certain piece or parcel of land situate and lying in the city of Washington, in the District of Columbia, known as and being the north twenty-six (26) feet front on Eleventh street of original lot numbered five (5), in square numbered three hundred and forty-eight (348), by the full depth thereof, improved by the dwelling-house and store known as No. 407 on Eleventh street northwest, made and executed in due form to pass said parcel of

land his last will and testament bearing date the thirty-first day of May, 1869, and without in any way revoking or annulling said last will and testament or otherwise disposing of said parcel of land, the said Daniel Hauptman thereafter, on or about the fourth day of November, 1873, deceased (his wife being also deceased), leaving  
5 as his only heirs-at-law eleven children, viz., Sophia Rhinehart, John Hauptman, Joana Collins, Elizabeth Douglass, Philip Hauptman, George W. Hauptman, the plaintiff Helen C. Carpenter, Francis E. Hauptman, Adelia Hauptman, Mary Ellen Hauptman, and Charles W. Hauptman, all of whom married and had children except the four last named, and all of whom are now deceased except the plaintiff Helen C. Carpenter. The said Sophia, John, Joana, Elizabeth, Philip, and George W. predeceased the said Francis E. Hauptman and left children, as hereinafter more particularly stated, who are now living (and are parties hereto). The said Adelia predeceased said Francis E. Hauptman and died unmarried, and the said Mary Ellen and Charles W. Hauptman died unmarried and after the decease of said Francis E. Hauptman, who also died unmarried.

4. That the aforesaid last will and testament of Daniel Hauptman was filed and recorded in the office of the register of wills of said District of Columbia and was proven by the three subscribing witnesses thereto, and by said last will and testament the said testator, Daniel Hauptman, devised and bequeathed, after payment of his debts, all his real estate and personal property to his children Charles W. Hauptman, Mary Ellen Hauptman, and Adelia Hauptman until the full end and term of their natural lives, with the qualification that if either should marry the interest of the one so marrying should cease and become vested in such of them as should remain unmarried, and after the death of all the said three named children or their marriage said testator devised and bequeathed all  
his aforesaid real estate and personal property to his son  
6 Francis E. Hauptman upon the trusts following, viz., to sell the same at public auction or at private sale, as the majority of the parties in interest may elect, and to receive the proceeds of sale and out of the proceeds thereof to pay the costs and expenses and distribute the residue among testator's children and their respective descendants, if they or any of them should be dead, in the same proportions that are provided by the law regulating descents in the District of Columbia, excepting thereout testator's son George W. Hauptman and his heirs, who (as stated in said will) has already received his portion, and in lieu of any further benefit said trustee is directed to pay him or his heirs the sum of ten dollars, and said Francis E. Hauptman was appointed sole executor of said will and testament; all of which will more fully appear by reference to the copy of said will and testament (and annexed affidavits) and to certificate thereto attached, and all of which are herewith filed as part hereof and marked "*Plaintiffs' Exhibit No. 1.*"

5. That the said Mary Ellen Hauptman and Charles W. Hauptman, who survived said Francis E. Hauptman and who never married, continued to reside in the aforesaid house, No. 407 Eleventh



street, from the death of Daniel Hauptman until their respective deaths, on January 23rd, 1899, and May 2, 1899.

6. That said Francis E. Hauptman by his last will and testament, dated the 5th day of April, 1890, and duly executed to pass real estate, devised all his estate, real and personal, to his brother, the said Charles W. Hauptman, and to his sister Mary E. Hauptman, their heirs and assigns, absolutely and in fee-simple as joint tenants, and by a codicil dated May 17, 1893, and made to said last will and testament, and duly executed to pass real estate, and filed and recorded in the office of the aforesaid register of wills, the said Francis E. Hauptman gave and devised all his estate, right, title, and interest, whether vested, in possession, or in remainder or reversion, in and to the dwelling-house and store known as No. 407, on Eleventh street northwest, in the city of Washington, in the District of Columbia, together with the land upon which it is built and which is enclosed therewith, unto the children of his deceased brother, George W. Hauptman, to be equally divided among them, share and share alike; all of which will more fully appear by reference to the copy of said last will and codicil and annexed affidavits and to the certificate thereto attached; all of which are herewith filed and marked "Plaintiffs' Exhibit No. 2" and to be taken as part hereof.

7. That the only heirs-at-law of the aforesaid Daniel Hauptman, as also of said Francis E. Hauptman and Charles W. Hauptman, are now the following-named persons, all of whom are parties hereto, viz:

(a.) Helen C. Carpenter, a child of said Daniel.

(b.) Mary S. Heinecke and Helen K. Bremerman, only children and heirs of Sophia Rhinehart, a deceased daughter of said Daniel.

(c.) Annie Hutchins and William T. Hauptman, only children and heirs of John Hauptman, a deceased son of said Daniel.

(d.) Edmund H. Brown, William F. Brown, Mary E. Perry, Charles D. Collins, Lewis E. Collins, Martha E. Collins, and Margaret A. Worster, only children and heirs of Joanna, a deceased daughter of said Daniel, and who was twice married.

(e.) Lloyd Douglass, Charles S. Douglass, and Caroline Watson, only children and heirs of Elizabeth Douglass, a deceased daughter of said Daniel.

(f.) William C. Hauptman, Harry Hauptman, Maria Louisa Donaldson, Mary M. King, Harriet E. Ege, Annie Beek, and Helen C. Raub, only children and heirs of Philip Hauptman, a deceased son of said Daniel.

(g.) John D. Hauptman, Clinton C. Hauptman, Mary B. Tracy, and Clara B. Hurley, only children and heirs of George W. Hauptman, a deceased son of said Daniel.

8. That after the death of said Francis E. Hauptman there was filed by judgment creditors of William C. Hauptman, one of the aforesaid children of Philip Hauptman, a suit in the supreme court of the District of Columbia, being equity cause No. 17906, for the sale of the undivided interest of said William C. Hauptman in said real estate, and under the decree passed in said cause his interest in

said real estate was sold, and by deed dated August 24, 1897, recorded in Liber No. 2238, folio 334, one of the land records of the District of Columbia, was conveyed in fee-simple to Anson S. Taylor, who, by deed dated August 30, 1897, recorded in Liber No. 2264, folio 422, of said land records, conveyed said interest, in fee, to Charles C. Clokey, who, by deed dated January 4, 1898, recorded in Liber No. 2264, folio 427, of said land records, conveyed said interest, in fee, to Lola B. Hauptman, one of the defendants  
 9 hereto; all of which will more fully appear by reference to said equity cause and said deeds as the said deeds are recorded, and to which the plaintiffs crave leave to refer and to read, if necessary, at the hearing as part hereof.

9. That such of the plaintiffs as are heirs of said Daniel Hauptman and devisees, legatees, or distributees under his said last will and testament are advised and so allege that they are entitled to have a trustee or trustees appointed in the place and stead of said Francis E. Hauptman, the trustee named in said last will of Daniel Hauptman, and to have the aforesaid real estate sold under the direction of this court and the proceeds of sale distributed in accordance with the provisions of the said last will, and the plaintiffs state that such sale will be to the interest and advantage of all persons entitled to participate in such proceeds. Whether the said children of George W. Hauptman are by virtue of the aforesaid codicil to the last will of Francis E. Hauptman entitled to participate in such distribution is a matter which is by the plaintiffs respectfully submitted to the court for it to adjudge and determine upon the facts hereinbefore stated and upon the terms of the last will of said Daniel Hauptman and of the said codicil of said Francis E. Hauptman.

### *Prayers.*

The plaintiffs therefore pray as follows:

1. That process may issue requiring the defendants to appear and answer this bill, and that the writ of subpœna may issue,  
 10 directed to said defendants, whose names are as follows:  
 William T. Hauptman, Georgeanna Hutchins, Carver Hutchins, Charles D. Collins, Anna Collins, Lewis E. Collins, Martha E. Collins, Margaret A. Worster, Willis Worster, Charles S. Douglass, John D. Hauptman, Clinton C. Hauptman, Mary B. Tracy, Seth Tracy, Clara B. Hurley, Frank Hurley, William C. Hauptman, Lola B. Hauptman, Harry Hauptman, Maria Louisa Donaldson, John Thomas Donaldson, Harriet E. Ege, Porter F. Ege, Annie Beek, Mark Beek, Helen C. Raub, and Charles H. Raub.

2. That the real estate hereinbefore mentioned and described may be decreed to be sold and a trustee or trustees for that purpose be appointed by this court, and that the proceeds of sale may be distributed in accordance with the provisions of the last will of Daniel Hauptman and according to the rights of the several parties to this cause as they appear upon the matters hereinbefore stated.

3. That for the purposes aforesaid all necessary inquiries may be made, accounts taken, and directions given.

4. That the plaintiffs may have such other and further relief as the nature of the case may require.

And the plaintiffs will ever pray, &c.

W. E. EDMONSTON,  
*Sol'r for Plaintiffs.*

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PLAINTIFFS' EXHIBIT No. 1.

Filed Sep. 6, 1899.

In the name of God, amen.

I, Daniel Hauptman of the city of Washington in the District of Columbia being of sound and disposing mind, memory and understanding in view of the certainty of death and the uncertainty of the time thereof, do make and publish this my last will and testament, hereby revoking and annulling all and any other heretofore made by me.

1st item—I desire my body to be decently buried, and after the payment of my just debts and funeral expenses by my executor hereinafter named I give devise and bequeath all of my real estate and personal property to my children Charles W. Hauptman, Mary Ellen Hauptman, Adelia Hauptman, or such of them as shall survive me, for, during and until the full end and term of their natural lives, and with this qualification if either of them shall marry, the interests and estates of such so marrying shall cease and terminate with such event, and be and become vested in such of them as shall remain unmarried, for the term aforesaid.

2d item—After the death of all my aforesaid named children, or their marriage, I give devise and bequeath all of my aforesaid real estate and personal property to my son Francis E. Hauptman upon the trusts following, to sell the same at public auction, or at private sale as the majority of the parties in interest may elect and if at public auction, he shall first give public notice thereof by advertisement setting forth the time place and terms of sale, and he shall receive the proceeds of sale, and the purchaser shall be bound  
12 to see to their due and proper application; and out of the proceeds thereof he shall pay first the costs and expenses thereof, next he shall distribute the residue among my children and their respective descendants if they or any of them are dead, in the same proportions that are provided by the law regulating descents in the District of Columbia, excepting thereout my son George W. Hauptman, and his heirs, who has already received his portion, and lieu of any further benefit I direct my said trustee to pay him or his heirs the sum of ten dollars.

3d item—Lastly I do hereby nominate, constitute and appoint my aforesaid son Francis E. Hauptman sole executor of this my last will and testament.

In testimony whereof I have hereunto set my hand — seal this 31st day of May, in the year eighteen hundred and sixty-nine.

DANIEL HAUPTMAN. [SEAL.]

Signed, sealed, published, and declared by the testator, Daniel Hauptman, to be his last will and testament, in our presence and hearing, who, in his presence and in the presence of each other, have hereto, at his request, affixed our names as witnesses.

JOS. H. BRADLEY.

AND'W B. DUVALL.

JOS. H. BRADLEY, JR.

13

PLAINTIFFS' EXHIBIT No. 2.

Filed Sep. 6, 1899.

In the name of God amen:

I Francis E. Hauptman of the city of Washington in the District of Columbia being of sound mind memory and understanding, do hereby make and publish this as and for my last will and testament

I give devise and bequeath all the estate real personal and mixed—of which I shall die seized or possessed wheresoever the same may be situate and found, and whether now belonging to me or hereafter acquired, unto my brother Charles W. Hauptman and my sister Mary E. Hauptman their heirs and assigns, absolutely and in fee-simple as joint tenants and joint owners, my intention being that, if neither shall during their joint lives, make any disposition of the property hereby given and devised, my whole estate shall go to the survivor and that if a disposition shall be made by both of only a part of my estate, the residue shall go to the survivor of the two.

I hereby appoint my said brother Charles W. Hauptman, if he shall survive me, as the executor of this my last will and testament and in case he shall not survive me, then and in that case, I appoint my said sister Mary E. Hauptman as the executrix of this my last will and testament, and in either case, as I owe no debts and am not likely to incur any I request that my executor or executrix as the case may be shall not be required to give bond or security for the performance of his or her duties as such executor or executrix.

14 I hereby revoke and annul all wills heretofore made by me and confirm this and none other as my last will and testament.

In testimony whereof I have hereunto set my hand and seal on this fifth day of April in the year one thousand eight hundred and ninety.

FRANCIS E. HAUPTMAN. [SEAL.]

Signed, sealed, published, and declared by the above-named testator, Francis E. Hauptman, as and for his last will and testament, in the presence of us, who at his request, in his presence and in the presence of each other, have subscribed our names as witnesses thereof.

W. E. EDMONSTON, 500 5th St. N. W.

C. E. VAN ARSDALE, " " " " "

HENRY G. HEALY, JR., " " " " "

*Codicil to My Last Will.*

I, Francis E. Hauptman—of the city of Washington in the District of Columbia do make publish and declare this as and for a codicil to my last will and testament—heretofore made by me every gift devise and bequest in which last will I do hereby ratify and confirm except as modified and changed by this codicil.

15 I do hereby give and devise all my estate right title and interest whether vested in possession, or in remainder or reversion, in and to the dwelling-house and store known as No. 407 on Eleventh street northwest in the city of Washington in the District of Columbia and in which house I now reside, together with land upon which it is built and which is enclosed therewith, unto the children of my deceased brother George W. Hauptman, to be equally divided among them share and share alike, as tenants in common, and if either of said children shall die before I do and shall leave issue or descendants surviving me, such issue or descendants shall take the share which its or their deceased ancestor if living would have taken.

In testimony whereof I have hereunto set my hand and seal on this seventeenth day of May in the year of our Lord one thousand eight hundred and ninety-three.

FRANCIS E. HAUPTMAN. [SEAL.]

Signed, sealed, published, and declared by Francis E. Hauptman, the above-named testator, as and for a codicil to his last will and testament in the presence of us, who at his request, in his presence, and in the presence of each other have hereunto set our hands and names as subscribing witnesses thereto on this seventeenth day of May, 1893.

W. E. EDMONSTON, 500 5th St. N. W.

J. D. COUGHLAN, “ “

C. E. VAN ARSDALE, “ “

16 *Answer of Defendants C. C. Hauptman, J. D. Hauptman, M. B. Tracy, S. E. Tracy, C. B. Hurley, and Frank Hurley.*

Filed Nov. 2, 1899.

In the Supreme Court of the District of Columbia.

HELEN C. CARPENTER ET AL.

vs.

WILLIAM T. HAUPTMAN ET AL.

} Equity. No. 20776.

The joint and several answer of Clinton C. Hauptman, John D. Hauptman, Mary B. Tracy, Seth Tracy, Clara B. Hurley, and Frank Hurley, defendants named in the above-entitled cause, to the bill of complaint filed by the complainants herein.

For answer to the said bill of complaint the defendants above named say:

1 & 2. On information and belief these defendants admit the averments contained in paragraphs 1 and 2 of said bill.

3. These defendants admit the averments contained in paragraph 3 of said bill.

4. These defendants admit the averments contained in the 4th paragraph of said bill excepting that they deny that George W. Hauptman, the father of the defendants Clinton C. Hauptman, John D. Hauptman, Mary B. Tracy, and Clara B. Hurley, ever received his portion or any portion of the estate of his father, Daniel Hauptman, as stated in the will of the said testator and in the 4th paragraph of said bill.

5 & 6. These defendants admit the averments contained in paragraphs 5 and 6 of said bill, and claim that by virtue of and  
17 under the provisions of the codicil to the last will and testament of Francis E. Hauptman, dated May 17, 1893, the said defendants, Clinton C. Hauptman, John D. Hauptman, Mary B. Tracy, and Clara B. Hurley, are entitled in equal shares to the interest which the said Francis E. Hauptman had in his lifetime in the estate of the said Daniel Hauptman.

7. These defendants admit the averments contained in the 7th paragraph of said bill.

8. On information and belief these defendants admit the averments contained in paragraph 8 of said bill.

9. These defendants admit the averments contained in paragraph 9 of said bill.

And now, having fully answered said bill of complaint, these defendants submit their rights to this honorable court for such decree as to him shall seem proper.

CLINTON C. HAUPTMAN.

JOS. A. BURKART,  
*Sol'r for Above-named Defendants.*

DISTRICT OF COLUMBIA, ss:

I do solemnly swear that I have read the foregoing answer by me subscribed, and know the contents thereof, and that the facts therein stated upon my personal knowledge are true, and those stated upon information and belief I believe to be true.

CLINTON C. HAUPTMAN.

Subscribed and sworn to before me this 30th day of October, 1899.

MARY E. WALSH,  
*Notary Public.*

[SEAL.]



conveyed the same to Charles C. Clokey, and said conveyance was duly recorded in Liber 2264, at folio 422, of the land records, as aforesaid, and that thereafter the said Clokey conveyed said property by deed in fee-simple bearing date January the 4th, 1898, and recorded in Liber 2264, at folio 427, of the said land records of the city of Washington, District of Columbia, to Lola B. Hauptman, defendant number 5 in this cause.

9. They admit the truth of allegation contained in paragraph 9 of said bill of complaint, denying, however, that the children of the late George W. Hauptman are in any way entitled to an interest in said property by virtue of the codicil of the late Francis E. Hauptman, and have no right to share in the proceeds of the sale of said property as described in the original bill of complaint.

10. The defendants further answer to the bill of complaint, denying that Clinton H. Hauptman, John D. Hauptman, Mary B. Tracy, and Seth Tracy, her husband; Clara B. Hurley, Frank Hurley, her husband, have no interest in said property and are not properly made defendants to this bill, as they have no interest whatever in the subject-matter of same, and they claim the benefit of this answer as if the same had been taken advantage of by plea or demurrer.

And now, having fully answered the complainants' bill, they pray to be hence dismissed with their reasonable costs by them in this behalf most wrongfully sustained.

WILLIAM C. HAUPTMAN, 4.  
LOLA B. HAUPTMAN, 5.

P. J. RYAN,

*Sol. for Wm. C. Hauptman and Lola B. Hauptman.*

We do solemnly swear that we have read the foregoing answer signed by us, and that we know the contents thereof; that the matters therein stated as of our own knowledge are true, and that those therein stated upon information and belief we believe to be true.

WILLIAM C. HAUPTMAN, 4.  
LOLA B. HAUPTMAN, 5.

Subscribed and sworn to before me this 7th day of November, 1899.

J. R. YOUNG, *Clerk,*  
By M. A. CLANCY,  
*Ass't Clerk.*



*Answer of Certain Defendants.*

Filed Nov. 7, 1899.

In the Supreme Court of the District of Columbia.

HELEN C. CARPENTER ET AL.	}	Equity. No. 20776, Docket 47.
vs.		
WILLIAM T. HAUPTMAN ET AL.		

The joint and several answers of Georgiana Hutchins and Carver Hutchins, her husband; William T. Hauptman, Charles D. Collins and Anna Collins, his wife; Lewis E. Collins, Martha E. Collins, Margaret Worster and Willis Worster, her husband; Charles S. Douglass, Harry Hauptman, Maria L. Donaldson and John J. Donaldson, her husband; Harriet E. Ege and Porter F. Ege, her husband; Annie Beek and Mark Beek, her husband, and Helen C. Raub and Charles H. Raub, her husband.

22 The defendants above named, for joint and several answer to the bill of complaint exhibited against them, say:

1, 2, 3, 4, and 5. They admit the truth of the allegations contained in the first, second, third, fourth, and fifth paragraphs of the bill of complaint.

6. Answering the sixth paragraph of the bill of complaint, they admit the execution of the will and codicil of Francis E. Hauptman substantially as therein stated, but they expressly deny that by said codicil any estate whatever was conveyed to the children of George W. Hauptman, for they say that no such title existed in the said Francis E. Hauptman as enabled him to make any devise in favor of anybody, the interest in the rents and profits and sale of the land after the death of Charles W. and Mary E. Hauptman and Adelia Hauptman being vested only in the surviving sons and daughters of Daniel Hauptman and their descendants, excepting thereout George W. Hauptman and his heirs; that the said Francis E. Hauptman having predeceased Charles W. and Mary E. Hauptman leaving no descendants, his estate died with him.

7. These defendants admit the truth of the allegations contained in the seventh paragraph of the bill of complaint, except they say that the heirs of George W. Hauptman named in section G of said paragraph have no interest whatever in the property described in the bill of complaint, they being the children and heirs of George W. Hauptman.

8. They admit the truth of the allegations contained in the eighth paragraph of the bill of complaint.

9. They admit the truth of the allegations contained in the ninth paragraph of the bill of complaint, again denying, however, that  
 23 the children of George W. Hauptman are entitled by virtue of the codicil to the last will of Francis E. Hauptman to participate in the distribution of the proceeds of sale of the property described in the bill of complaint.

10. These defendants, for further answer to the bill of complaint, deny that John D. Hauptman and Clinton C. Hauptman, Mary B. Tracy and Seth Tracy, her husband; Clara B. Hurley and Frank Hurley, her husband, are properly parties to the bill of complaint, the said bill of complaint showing no interest whatever in them in the subject-matter of the suit, and they claim the same benefit of this answer as if they had made the same by way of demurrer.

And, having fully answered the bill of complaint, they pray to be hence dismissed with their costs in this behalf most wrongfully had.

HELEN C. RAUB,  
*Defendants' Solicitors.*

DISTRICT OF COLUMBIA, ss:

Helen C. Raub, being first duly sworn, on oath deposes and says that she is one of the defendants named in the foregoing answer; that she has read the same and knows the contents thereof; that the facts therein stated upon personal knowledge are true, and those stated upon information and belief she believes to be true.

HARRY M. MARTIN,  
*Notary Public.*

24 Subscribed and sworn to before me, Harry M. Martin, a notary public in and for the District aforesaid, this 6th day of November, A. D. 1899.

[SEAL.]

HARRY M. MARTIN,  
*Notary Public.*

*Decree for Sale.*

Filed Jan. 9, 1900.

In the Supreme Court of the District of Columbia, the — Day of —, 1900.

HELEN C. CARPENTER ET AL.	}	No. 20776. Equity, Docket No. 47.
vs.		
WILLIAM T. HAUPTMAN ET AL.		

This cause standing ready for hearing on the pleadings and testimony and being submitted and considered by the court, it is on this 9th day of January, in the year of our Lord nineteen hundred (1900) adjudged, ordered, and decreed that the real estate in the proceedings mentioned be sold, the same being all that certain piece or parcel of land situate and lying in the city of Washington, District of Columbia, and known and designated as and being the north twenty-sixth (26) feet front of Eleventh street northwest of original lot numbered five (5), in square numbered three hundred and forty-eight (348), by the full depth of said lot, together with the improvements thereon known as house number 407 on said Eleventh street.

25 That William E. Edmonston, Jos. A. Burkart, and Clayton E. Emig be, and they are hereby, appointed trustees to make said sale, and that the course and manner of their proceed-

ings be as follows: each of them shall first file with the clerk of this court a bond to the United States of America, executed by him, with a surety or sureties to be approved by the court or one of the justices thereof, in the penalty of thirty thousand dollars, conditioned for the faithful performance of the trust reposed in him by this decree or which may be reposed in him by any future order or decree in the premises. Said trustees shall then proceed to sell said real estate by public auction, having first given at least two weeks' previous notice, by publication inserted in some newspaper published in the District of Columbia, of the time, place, manner, and terms of sale; which terms shall be as follows, viz: one-third of the purchase-money to be paid in cash and the residue in two equal instalments, payable respectively in one and two years from day of sale, with interest thereon from day of sale, at the rate of six per cent. per annum, payable semi-annually, for which the notes of the purchaser to be given, and secured by deed of trust on the property sold, or all cash, at the option of the purchaser. A deposit of \$500 may be required by the trustees when a bid is accepted if they deem it advantageous to require such deposit, and they may give such other notice of sale than that above required as they may deem advantageous.

And as soon as may be convenient after any such sale or sales the said trustees shall return to this court a full and particular account of the same, with an affidavit of the truth thereof, and of the fairness of such sale or sales, annexed; and on the ratification  
26 of such sale or sales by the court and upon the payment of the purchase-money, or upon its payment being secured, as aforesaid, the said trustees, by good and sufficient deed, to be executed and acknowledged agreeably to law, shall convey to the purchaser or purchasers of said property, and to his, her, or their respective heirs and assigns, the property to him, her, or them sold free, clear, and discharged of all claim of the parties to this cause and of any person or persons claiming by, from, or under them or any of them; and the said trustees shall bring into this court the money arising on such sale or sales and the notes, if any, which may be taken for the deferred payments, to be disposed of under the direction of this court, after deducting therefrom the costs of this suit and such commissions to the said trustees as the court shall think proper to allow on consideration of the skill, attention, and fidelity wherewith they shall appear to have discharged this trust. The title to all said property is hereby divested from the parties to this suit and vested in the said trustees for the purposes of making said sale and conveyance, and the said title shall be retained by said trustees until the purchase-money shall be fully paid or secured to be paid as hereinbefore provided.

Said trustees are hereby authorized to pay all taxes and assessments against said property, if any, to the day of sale, and shall be allowed credit therefor in their account.

Leave is hereby reserved to either or any of the parties to this cause to apply to the court for a modification of this decree as to the manner and terms of sale.

27 And it is further decreed that Francis E. Hauptman took his interest under the will of Daniel Hauptman as a vested remainder, and that the devise of Francis E. Hauptman of his interest in his father's estate was valid and the children of George W. Hauptman are entitled to and take the same thereunder.

JOB BARNARD, *Justice*.

*Order Allowing an Appeal and Severance.*

Filed Jan. 18, 1900.

In the Supreme Court of the District of Columbia.

HELEN C. CARPENTER ET AL.	}	Equity. No. 20776.
vs.		
WILLIAM T. HAUPTMAN ET AL.		

And now, to wit, this 18th day of January, A. D. 1900, upon the petition of Georgiana Hutchins and Carver Hutchins, her husband; William T. Hauptman, Charles D. Collins and Anna Collins, his wife; Louis E. Collins, Martha E. Collins, Margaret Worster, Willis Worster, her husband; Charles S. Douglass, Harry Hauptman, Maria L. Donaldson and John T. Donaldson, her husband; Harriet E. Ege and Porter E. Ege, her husband; Annie Beek and Mark Beek, her husband, and Helen C. Raub and Charles H. Raub, her husband, for an appeal and severance herein, it is ordered by the court that said appeal be allowed and severance had as

28 prayed, and the amount of their appeal bond, to operate only as a bond for costs, shall be one hundred dollars.

JOB BARNARD, *Justice*.

29 Filed Jan. 22, 1900. J. R. Young, Clerk.

In the Supreme Court of the District of Columbia.

HELEN C. CARPENTER ET AL.	}	No. 20776. In Equity.
vs.		
WILLIAM T. HAUPTMAN ET AL.		

The President of the United States to Helen C. Carpenter and George W. Carpenter, her husband; Mary S. Heinecke and Charles T. Heinecke, her husband; Helen K. Bremerman, widow; Edmund H. Brown and Allyne Brown, his wife; Mary E. Perry and George N. Perry, her husband; William F. Brown and Mary Brown, his wife; Mary M. King and Burrows W. King, her husband; Lloyd Douglass and Justina Douglass, his wife; Caroline Watson and Wharton Watson, her husband; John D. Hauptman, Clinton C. Hauptman, Mary B. Tracy and Seth Tracy, her husband; Clara B. Hurley and Frank Hurley, her husband; William C. Hauptman and Lola B. Hauptman, his wife, Greeting:

You are hereby cited and admonished to be and appear at a Court of Appeals of the District of Columbia, upon the docketing

the cause therein under and as directed by the rules of said court, pursuant to an appeal allowed in the supreme court of the District of Columbia on the 18th day of January, 1900, wherein William T. Hauptman, Georgeanna Hutchins and Carver Hutchins, her husband; Charles D. Collins and Anna Collins, his wife; Lewis E. Collins, Martha E. Collins, Margaret A. Worster and Willis Worster, her husband; Charles S. Douglass, Harry Hauptman, Maria Louisa Donaldson and John Thomas Donaldson, her husband; Harriet E. Ege and Porter F. Ege, her husband; Annie Beek and Mark Beek, her husband; Helen C. Raub and Charles H. Raub, her husband, — appellants and you are appellees, to show cause, if any there be, why the decree rendered against the said appellants should not be corrected and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Edward F. Bingham, chief justice of the supreme court of the District of Columbia, this 18th day of January, in the year of our Lord one thousand nine hundred (1900).

JOHN R. YOUNG, *Clerk*.

Service of the above citation accepted this 22 day of January, 1900.

\_\_\_\_\_,  
*Attorney for Appellee.*

JOS. A. BURKART,

*Sol'r for John D. Hauptman, Clinton C.*

*Hauptman, Mary B. Tracy, Seth Tracy,*

*Clara B. Hurley, and Frank Hurley.*

P. J. RYAN,

*Sol. for Wm. C. and Lola B. Hauptman.*

W. E. EDMONSTON,

*Sol'r for Remaining Appellees.*

30

*Memorandum.*

January 26, 1900.—Appeal bond filed.

*Directions to Clerk for Preparation of Record.*

Filed Feb. 13, 1900.

In the Supreme Court of the District of Columbia, Holding an Equity Term.

HELEN C. CARPENTER ET AL.

*vs.*

WILLIAM T. HAUPTMAN ET AL.

} Equity. 20776.

To John R. Young, clerk of said court:

Please make copies of the following pleadings filed in the above cause for the purpose of making up the transcript of record for the

Court of Appeals—that is to say, a copy of the entire bill of complaint and exhibits, including a copy of the wills of Daniel Hauptman and Francis E. Hauptman, which has been filed in said cause.

A copy of each of the three answers filed by the respective defendants in said cause.

A copy of the replication.

A copy of the decree granted in said cause.

“ “ order of severance.

“ “ prayer for appeal & order.

C. E. EMIG.

31 Supreme Court of the District of Columbia.

UNITED STATES OF AMERICA, { ss :  
District of Columbia,

I, John R. Young, clerk of the supreme court of the District of Columbia, hereby certify the above and foregoing pages, numbered from 1 to 30, inclusive, to be a true and correct transcript of the record, as per the directions of counsel herein filed and made a part hereof, in cause No. 20776, equity, wherein Helen C. Carpenter *et al.* are complainants and William T. Hauptman *et al.* are defendants, as the same remain- upon the files and of record in said court.

In testimony whereof I hereunto subscribe my name and affix the seal of said court, at the city of Washington, in said District, this 21st day of February, A. D. 1900.

JOHN R. YOUNG, *Clerk.*

Endorsed on cover: District of Columbia supreme court. No. 973. Wm. T. Hauptman *et al.*, appellants, vs. Helen C. Carpenter *et al.* Court of Appeals, District of Columbia. Filed Mar. 1, 1900. Robert Willett, clerk.

